

# FINCEN UPDATES & IMPORTANT CHANGES

The Financial Crimes Enforcement Network (FinCEN) is a bureau of the U.S. Department of the Treasury. It's mission is to safeguard the financial system from illicit use, combat money laundering, and promote national security by collecting, analyzing, and sharing financial intelligence.

## KEY CHANGES & UPDATES

### NEW REAL ESTATE REPORTING RULE POSTPONEMENT **UNTIL MARCH 1, 2026**

To reduce business burden and allow for smoother implementation, the U.S. Department of the Treasury's Financial Crimes Enforcement Network (FinCEN) has postponed the effective date of the Residential Real Estate Transfers Rule (RRE Rule) until March 1, 2026.

The RRE Rule will require mandatory reporting for non-financed (all-cash) transfers of residential real estate made through legal entities or trusts. Once in effect, real estate professionals involved in these transactions will be responsible for collecting and filing the required data with FinCEN.

To implement this extension, FinCEN issued a temporary order granting exemptive relief from the reporting requirements. In the interim, any Real Estate Geographic Targeting Orders will remain in effect.

**Exemptive Relief Order:** <https://www.fincen.gov/system/files/2025-09/RRE-Rule-Exemptive-Relief-Order-508.pdf>

**Real Estate Report Form:** <https://www.fincen.gov/system/files/2025-09/RER-Form-508C.pdf>

### BENEFICIAL OWNERSHIP REPORTING (BOI) CHANGES

FinCEN has removed the requirement for U.S. companies and U.S. persons to report beneficial ownership information under the Corporate Transparency Act (CTA).

#### **What This Means**

Only foreign entities doing business in the U.S. are now subject to BOI reporting.

### REVISED DEFINITION: REPORTING COMPANY

The term "reporting company" now refers only to entities formed under the laws of a foreign country that register to do business in the U.S.

# FINCEN UPDATES & IMPORTANT CHANGES *Continued*

## NEW DEADLINES FOR FOREIGN ENTITIES

- Entities registered before March 26, 2025 had until April 25, 2025 to file BOI reports. [FinCEN.gov](https://fincen.gov)
- Entities registered on or after March 26, 2025 must file within 30 calendar days after their registration is effective.

## DELAY OF AML / SAR RULES FOR INVESTMENT ADVISERS

FinCEN has proposed delaying the effective date of new AML / SAR obligations for Registered Investment Advisers and Exempt Reporting Advisers from January 1, 2026 to January 1, 2028.

## DATA DELETION PLANS (PROPOSED)

FinCEN leadership has flagged proposals to delete beneficial ownership data for U.S. companies from its registry.

- FinCEN has signaled its intention to delete beneficial ownership data that U.S. companies have already submitted under the Corporate Transparency Act (CTA).
- The plan would focus the registry more narrowly: only data from foreign-formed entities doing business in the U.S. would remain required.

## WHO IS AFFECTED?

- Foreign companies doing business in the U.S.
- U.S. persons involved with foreign entities
- Registered Investment Advisers & Exempt Reporting Advisers (once AML rules take effect)
- Real estate professionals and entities using trusts or corporate structures in property deals

## WHAT YOU SHOULD DO NOW

- **Check your entity's status** - Are you domestic or foreign under the new definition?
- **Determine reporting obligations** - If you're a foreign entity, do you qualify for exemptions?
- **Prepare systems & processes** - For BOI reporting, real estate reporting, and future AML obligations.
- **Stay updated** - Several rules are proposed and under comment; changes may follow.
- **Seek guidance** - Consult legal or compliance specialists for direct implications to your operations.